

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====X
ZULEIKA POLONIA,

Plaintiff,

-against-

ROBERT J. DUNPHY, SUSAN E. NEVINS,
HERTZ VEHICLES, LLC. And HERTZ
CORPORATION,

Defendants.
=====X

DOCKET NO.: 2011 cv 1563

**RULE 56.1 STATEMENT OF
UNCONTESTED MATERIAL
FACTS**

The plaintiff ZULEIKA POLONIA, by and through her attorneys DINKES & SCHWITZER, P.C., hereby submits the following statement pursuant to Rule 56.1 of the rules of the Southern ad District courts of the State of New York together with the plaintiff's affidavit, and the Exhibits annexed to the within motion:

1. On October 25, 2009, the plaintiff, ZULEIKA POLONIA was the operator of a Toyota motor vehicle registered in New York State bearing plate number BPR5372. (See plaintiff's Affidavit annexed to the within motion, and also **Exhibits "A", "B", & "G"**)

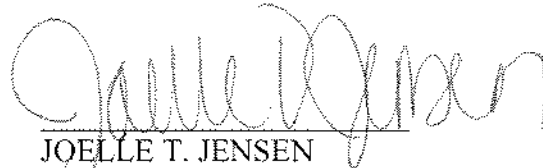
~~2. On October 25, 2009, defendant, ROBERT J. DUNPHY, was an operator of a Ford~~
motor vehicle registered in New York State bearing plate number ESS9464. (See Defendants' Response to Notice to Admit annexed to the motion as **Exhibit "E"**)

3. On October 25, 2009 Defendant, SUSAN E. NEVINS, rented the subject ford motor vehicle registered in new york State bearing plate number ESS9464 from Hertz and consented and permitted ROBERT J. DUNPHY to operate said motor vehicle. (See defendant's response to plaintiff's Notice to Admit annexed to the motion as **Exhibit "E"**)

4. On October 25, 2009, the plaintiff, ZULEIKA POLONIA's vehicle was rear ended by the vehicle operated by DUNPHY (Plaintiff's Affidavit, **Exhibit "G"** pp. 16, 18, 20-21, 88-89, **Exhibit "H"** pp. 43-44, Exhibit "I" pp. 13-14).

Dated: New York, New York
February 10, 2011

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Joelle T. Jensen', is written over a horizontal line.

JOELLE T. JENSEN
DINKES & SCHWITZER, P.C.
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